

# Volinia Township Planning Commission

## Draft Minutes of the March 31, 2025 Meeting

The Volinia Planning Commission held a regular meeting on January 15, 2025, at 6:00 p.m. at the Cass County Road Commission offices, 240 N. O'Keefe Street, Cassopolis, MI.

### Present:

1. Bruce Butchbaker
2. Jeff Steinkraus
3. Denny Grice, Ex Officio
4. Randy Cuthbert, Chair
5. Dave Goodenough

### Absent:

None

Also Present: Gerald Fisher, Township Attorney  
Bradley Kotrba, Township Planning Consultant  
Beth Middleton-Pompey, Township Zoning Administrator  
Chip Tokar, Applicant's Representative, Natural Resources Management  
Amber Hoover, Applicant, High Grade Materials, Inc.  
Gaetan Gerville-Reache, Applicant's Legal Counsel

Approximately 15 members of the public were in attendance.

The Pledge of Allegiance was recited.

### **Call To Order –**

The meeting was called to order at 6:00 PM, and Chairman Cuthbert's request, Commissioner Butchbaker called the roll. All Planning Commissioners were present.

### **Approval of Agenda –**

Cuthbert announced that there would be a couple of housekeeping items at the beginning of tonight's agenda. These tasks would be the election of officers for 2025 and the announcement of appointed term limits for each member of the Planning Commission, as the Township Board directed. The Township Clerk had been present before the meeting to swear in each appointed member of the Planning Commission to their term of service. Cuthbert asked the Commissioners if the agenda was acceptable; he would entertain a motion to approve the agenda. Commissioner Butchbaker motioned to

1 approve the March 31, 2025, Volinia Township Planning Commission meeting agenda, which  
2 Commissioner Steinkraus supported. The motion carried.

3  
4 **Approval of the Open Session Minutes of the January 15, 2025, Special Meeting –**

5  
6 Chair Cuthbert began asking the Planning Commission if they had all had a chance to review the  
7 open session meeting minutes from January 15, 2025. If there were no amendments or edits to the  
8 minutes, he would entertain a motion to adopt the regular meeting minutes of the January 15, 2025,  
9 Volinia Township Planning Commission. Commissioner Steinkraus motioned to adopt the regular  
10 meeting minutes of January 15, 2025, Volinia Township Planning Commission; Commissioner Butchbaker  
11 supported. The motion carried.

12  
13 **Approval of the Closed Session Minutes of the January 15, 2025, Special Meeting –**

14  
15 Chair Cuthbert asked the Planning Commission to review the closed session meeting minutes of  
16 the January 15, 2025, Volinia Township Planning Commission. If no amendments or edits were to be  
17 made to these minutes, he would entertain a motion to adopt them. It was noted that the date of the  
18 January 15<sup>th</sup> closed session meeting minutes was incorrect, and Kotrba needed to correct this. Kotrba  
19 confirmed. Commissioner Grice motioned to adopt the minutes of January 15, 2025, with the requested  
20 correction. Closed Session Meeting of the Volinia Township Planning Commission; Commissioner  
21 Goodenough supported. The motion carried.

22  
23 **Approval of the January 27, 2025, Special Meeting –**

24  
25 Chair Cuthbert mentioned that the special meeting held on January 27, 2025, was a very short  
26 meeting, and he would entertain a motion to accept the minutes of January 27<sup>th</sup> from the Planning  
27 Commission. Grice made a motion to adopt the Planning Commission special meeting minutes from  
28 January 27, 2025. Goodenough supported that motion. The motion carried.

29  
30 **New Business (Election of Planning Commission Officers and Announcement of Terms of Service) –**

31  
32 Cuthbert moved to the new business on the agenda, which was the election of officers and  
33 terms of service for each Planning Commission member. He stated that there will be an election amongst  
34 Commissioners to vote upon nominations for Planning Commission Chair, Vice Chair, and Secretary.  
35 Cuthbert then opened the floor to Commissioners to submit nominations for the Planning Commission  
36 Chair, Commissioner Butchbaker motioned to nominate Randy Cuthbert as the Planning Commission  
37 Chair for 2025. Commissioner Steinkraus supported this motion to nominate Randy Cuthbert as Planning  
38 Commission Chair for the 2025 calendar year. Cuthbert motioned to nominate Bruce Butchbaker as Vice  
39 Chair of the Planning Commission for the 2025 calendar year. Commissioner Steinkraus supported this  
40 motion. Commissioner Grice motioned to nominate Dave Goodenough as the Planning Commission  
41 Secretary for the 2025 calendar year. The motion was supported by Commissioner Steinkraus. Motion  
42 Carried. The Volinia Township Officers Nominated for 2025 are:

1  
2 Randy Cuthbert – Chair  
3 Bruce Buttbaker – Vice Chair  
4 Dave Goodenough – Secretary  
5

6 Cuthbert then asked for a roll call vote of the nominated officers for the 2025 Volinia Township  
7 Planning Commission:  
8

9 Yeas: Grice, Cuthbert, Buttbaker, Steinkraus, Goodenough  
10

11 Nays: None  
12

13 Abstain/Absent: None  
14

15 Motions carried.  
16

17 Cuthbert then announced the term lengths for each appointed Planning Commission member.  
18 He noted that the terms of each appointed individual are staggered, so there isn't a majority of  
19 members whose terms are expiring at the same time in the future. The terms are as follows:  
20

21 3-year Appointment: Steinkraus and Buttbaker

22 2-year Appointment: Cuthbert

23 1-year Appointment: Goodenough

24 Ex-Officio Member (Township Board Representative): Grice  
25

26 **Old Business (Deliberation of High Grade Materials Special Land Use Application) –**  
27

28 The Chair then moved on to the next agenda item, further discussion and consideration of the  
29 High Grade Materials Special Land Use application. Cuthbert introduced the new Township Attorney,  
30 Gerald Fisher, to the Planning Commission members, the applicant, and the public. He was hired by the  
31 Township Board in mid-February to replace Attorney Kaufman and will be representing the Township  
32 Planning Commission through the remainder of this application process. Cuthbert then asked Attorney  
33 Fisher if he would introduce himself, and then, if he was ready, he might begin his discussion with the  
34 Township Planning Commission regarding his review of the application before the Commission.  
35

36 Attorney Fisher introduced himself to the Planning Commission, the applicant, and the public  
37 and noted that he has prior experience in representing townships with several sand and gravel mining  
38 applications in the past. He feels that he is well prepared to step into this application, even though he is  
39 still digesting the volume of materials that the applicant has respectfully supplied to the Planning  
40 Commission for review to assist with the application process. He feels that this was a well-assembled  
41 application and that the Planning Commission has had a lot to digest with this application. He feels that  
42 there isn't any evidence that the Commission is ready for a determination this evening. But there are

1 two ways to think of moving forward from today. The first is to confirm that the Planning Commission  
2 has all the information that is needed to make the decision-making process. Which would then lead to  
3 two possible outcomes: either one, the application would be approved, subject to specific conditions  
4 that would provide protections to the Township. Or two, that after thorough review and discussion of  
5 the evidence provided that the Commission feels there is no way around the mitigation of very serious  
6 consequences. He is not suggesting either way, he is just stating the two outcomes that would likely  
7 happen after this Planning Commission review process. He is also aware that the applicant has been in  
8 this process for a long time in Volinia Township and that they have gone to extensive efforts to submit as  
9 much information as they can provide to answer questions for the Planning Commission. He does feel,  
10 however, that certain additional things should be entered into the record so the public can be satisfied  
11 that the Township is proceeding forward in a manner that addresses their concerns. Or, second, if the  
12 Commission recommends denial of the application, then they must have well-documented reasons for  
13 doing so, with the evidence to support their decision.

14  
15 Fisher stated that he has four areas that he would like the Planning Commission to focus on. One  
16 issue is the use of a temporary haul route and how that temporary route will impact the residents along  
17 the route while time passes and the County Road Commission is preparing the permanent haul route.  
18 Another issue is the concern for the quality of the groundwater. He notes that this is of particular  
19 concern because of the proximity of residential drinking wells to the excavations and the slurry pond that  
20 will be used to discharge the water back into the groundwater system. He stated that he has identified  
21 these four areas and would like to put them before the Planning Commission for consideration. This way,  
22 he can confirm if the Planning Commission would like to pursue his considerations or not.

23  
24 His first recommendation for Commission investigation and clarification is the haul routes. Fisher  
25 feels that because the applicant has submitted two good traffic studies that focus on the haul routes,  
26 however, for confidence and better understanding for the public and the Township, that the Township  
27 hire their very own consulting engineering firm to review the two studies submitted by the applicant and  
28 determine if they address all the issues, because he is particularly concerned with the potential for harm  
29 for traffic and pedestrians of the residents that live along the haul routes. Items like sight distances and  
30 points where vegetation may need to be cleared, a Township hired expert could make sure and satisfy  
31 the concerns of the public and the Township that the studies submitted by the applicant are adequate  
32 and accurate, and that they could review these haul routes for the potential impacts from issues like  
33 sightlines, grades, road quality, etc. and potentially identify additional things that should be considered  
34 to protect the safety of the Township residents. Therefore, the Township Board should be the one that  
35 approves this and hires any potential consultant. Fisher noted that he had contacted the Township  
36 Supervisor and asked him to place this on the next Township Board agenda for potential approval, only if  
37 the Planning Commission agrees and recommends that this is something that should be considered for  
38 further study. The Chair noted to the Planning Commissioners that both Attorney Fisher and Planner  
39 Kotrba had talked about some potential consultants that may be interested if the Planning Commission  
40 and subsequently at the blessing of the Township Board to review the submitted traffic studies and  
41 perform their haul route analysis for anything that they may see as concerning and should be addressed  
42 if the application were approved. Fisher did confirm this, he noted that Kotrba had one or two possible

1 engineering firms in mind that may want to assist the Township, but that no contact has been made at  
2 this point and that if the Board approves, then they could reach out to them on behalf of the Township  
3 and direct any potential engineering firm to reach out to the Township Board for further instructions.  
4

5 Fisher noted that this would only be pertaining to the haul routes, and not just in Volinia Twp.,  
6 but the entire route in the County. Cuthbert asked Ms. Hoover, the applicant, if they had settled on what  
7 the routes would be. She confirmed that the haul routes have been established by the County Road  
8 Commission and that they have taken the lead on where the routes should be placed and why. Fisher  
9 asked then if the Planning Commission understood what he was recommending and if there was a  
10 consensus on the Planning Commission as to whether to proceed with this recommendation, or not. The  
11 Planning Commission.  
12

13 The second recommendation is to confirm the haul routes and condition of the roadway surface  
14 is to creating two separate haul route maps, one that highlights the permanent routes, both east and  
15 west, that shows not only the route by the road conditions. And a second map that shows the temporary  
16 route added and shows its route relative to the permanent routes and the condition of the roadway  
17 along the route. It would act as a visual aid for the Planning Commission to understand the confirmed  
18 routes and what conditions of the roads are in along those routes. He thinks this is something that  
19 Williams and Works could do because they have the capability and are currently working with the  
20 Township on this application. Fisher understands, after reviewing the materials and the correspondence  
21 that are attached in those materials, that both the former Township Zoning Administrator and the Cass  
22 County Road Commission met to discuss potential haul routes and that the applicant has consulted with  
23 the CCRC on numerous occasions to work with the CCRC to express their user needs and seeking  
24 recommendation for potential haul routes from the County. He understands that most of the roads are  
25 Class A, however, some portions of the road are not in Class A road status. He feels this shouldn't be  
26 difficult to produce. He would like the map of the permanent haul routes to also list what improvements  
27 would have to be made in the next five years, where the funding source would be, and exactly what has  
28 to be done. Grice asked if the map would also have a time frame as to when the construction will be  
29 finished to keep the updates on schedule. Fisher agreed and said yes, this could be done. Fisher did state  
30 that if there is an approval of this application, any special land use approval would have to be reviewed  
31 every five years. During those times, the haul route information can be discussed and addressed by the  
32 Road Commission.  
33

34 Third, Fisher noted that he doesn't have expert qualifications in an analysis of this type, but he  
35 has concerns with the entrance point to the mine, and feels that it should be reviewed to see if there is a  
36 less impactful location. Maybe it could be moved to a more suitable location, such as further to the east  
37 along Fosdick Street or possibly on Decatur Road so that the burden if traffic impact from the trucks  
38 doesn't have to fall specifically onto one property owner, because the proposed entrance location is  
39 directly across the street from a neighboring property owner across Fosdick Street. Fisher said that an  
40 investigation and a report would be conducted to see if this could potentially be done within the next  
41 five years.  
42

1 His last recommendation is the concern around the potential impact on the groundwater. He  
2 understands that EGLE has approved permits for both withdrawal and discharge have been approved  
3 and has issued them to the applicant. It is his understanding that EGLE will monitor the groundwater  
4 throughout the life of the project. And that the applicant has also indicated that they will monitor the  
5 groundwater quality more frequently than EGLE would perform on their own. He feels this is a great  
6 start. Fisher believes there should be an established system of investigation and reporting of the quality  
7 of the groundwater to be performed by a third-party neutral environmental consultant. He feels that  
8 there needs to be a proposal done by an environmental monitoring expert. Cuthbert asked if this would  
9 only be done if the application were approved. Fisher confirmed, yes, that he agrees that it would only  
10 be applied as a condition of approval. He also agrees that there should be a discussion if there is any  
11 need to install more monitoring wells, and could be provided as a condition or approval if written out by  
12 Mr. Whalen the consultant that has previously supplied the Township with reports or possibly by another  
13 expert if the Township wanted to bring in another opinion. Cuthbert asked Fisher if the wells he is  
14 referring to are located on the mine property itself. Fisher confirmed, yes, they would have to be on the  
15 property, and that there should be a determination if more wells should be installed and where they  
16 should be any additional. Tokar did respond that there are currently wells placed on site that are on the  
17 perimeter, not in the excavation area, that are both up-gradient and down-gradient of the mine. He also  
18 wants to make sure that the baseline study that was submitted to the Township in January is okay to use  
19 as a baseline for future analysis. He does not believe that anyone has analyzed it from the Township,  
20 and if this is true, it should be.

21  
22 Fourth, the Township Planning Commission is concerned with stormwater runoff and infiltration,  
23 both to the area mine and the surrounding area (residences and farms) in general. Principally because  
24 the farm that this mine will be located on has had decades of fertilizer and pesticides applied to it for  
25 agricultural purposes. He thinks that it would be important for the Planning Commission to know the  
26 quality or danger of any particular stormwater runoff or infiltration of stormwater containing these  
27 contaminants will have on the community, because the pond will be open to the aquifer. Counselor  
28 Gerville-Reache commented that he would like to state that the Township should be careful not to  
29 prejudice the analysis because of the presumption that the Township Attorney is requesting more  
30 information for is that the stormwater would not enter the aquifer, but for the existence of the proposed  
31 ponds at the mine. The results of the stormwater analysis the applicant has supplied has shown that a  
32 majority of the stormwater actually would enter the aquifer via filtration through the soil, as it has  
33 historically. Fisher commented that he believes the plans to prevent direct stormwater infiltration into  
34 the ponds inside the mine are to install a berm around each pond to prevent direct stormwater surface  
35 flow away from the ponds. Therefore, his suggestion that the Township perform a study should also  
36 show the same results that the applicant's study has indicated, this is to confirm this question.

37  
38 Fisher also suggested that a report on the sufficiency of the proposed reclamation plan should  
39 be provided to the Township. He believes that Williams & Works could handle this and submit it to the  
40 Township prior to the next meeting. The reasoning for this is that if the Township agrees, there is a  
41 justifiable concern that these problems can be mitigated through conditions. Fisher mentioned that all  
42 these items that he has discussed are considerations for the Planning Commission and Township Board

1 to make during deliberation. He also suggests that if there is an approval that a condition should be  
2 placed for continuous enforcement of the approval conditions, and he suggests that this be done in the  
3 form of a regulatory ordinance placed in conjunction with the approval that would allow this  
4 enforcement monitoring to occur.

5  
6 Fisher also suggests that the Township request clarification from the applicant on items such as  
7 the haul routes for items such as the maximum and average trips per day, he understands that when the  
8 Road Commission representative was present at a previous meeting the Planning Commission had some  
9 remaining questions as to how many trips per day were being made for each route, not just in total from  
10 the mine. Fisher suggested also that he believes that maps of the haul routes, both temporary and  
11 permanent be created that show not only the proposed routes by the applicant and Road Commission,  
12 but also the quality ratings of the road sections, how many school bus stops along each of those  
13 sections, and how much money it will cost the County to maintain or upgrade these roadway sections. In  
14 addition, he believes that there should be more explanation as to where the money for these upgrades  
15 will come from. He feels that Williams & Works could create the maps that he suggested and provide  
16 them to the Planning Commission before the next meeting, to provide them with a visual reference.  
17 Further information about the volume of materials to be mined should be further explained. It will be  
18 important for the Township to receive information regarding the name and contact information for the  
19 responsible party for the onsite and offsite monitoring of the applicant's operations. More importantly,  
20 speaking back to the volume of materials to be excavated, the applicant should provide information  
21 about the volume of materials supply in the region that currently exists, so the applicant can more  
22 clearly show the demonstrated need for these resources at the site. He understands that this is not  
23 required, but it would be helpful because it will provide the Township with a better understanding of the  
24 degree of need for this material and the necessity for its extraction at this site. He also feels that the  
25 Township should be informed as to where the proposed material that is extracted will be going and who  
26 will be using it to further understand the reasoning for the need.

27  
28 He also understands that there had been a mention of potential concrete and asphalt plants on  
29 site and that this information should be explained and discussed in greater length. He is aware that the  
30 Michigan Legislature has mandated that mineral extraction, such as gravel mining, can only be done  
31 where the material is deposited by nature, and therefore, if the material lies in a residential district, the  
32 mine has the right to apply for a permit to extract at that location. However, he believes that the  
33 Michigan Legislature does not mandate that concrete and asphalt plants, even temporary ones, are also  
34 required to be located where these resources are located. Therefore, these uses would typically fall into  
35 a category, as defined in the Township Zoning Ordinance, as industrial in nature and only permitted in an  
36 industrial district. Therefore, they cannot be carried out in any other district unless permitted by right or  
37 special use in any district that is not identified as such. Therefore, they would have to request a rezoning  
38 of the property. This could only be done if the Township Master Plan planned for the future land use of  
39 the site to become industrial, and/or if there is justifiable reasonableness to request rezoning because of  
40 a specific nature of the property that would make it more conducive to the Township to zone this  
41 property industrial. Fisher concluded with his assessment of the present situation and his suggestions  
42 and recommendations that the Township follow for the next steps. He turned the meeting back over to

1 the Chair. The Planning Commission asked if he had examples of a regulatory ordinance that would  
2 require monitoring and enforcement of a gravel mine site they could review. Fisher confirmed that he  
3 does have examples that he could provide.  
4

5 Cuthbert then asked the Planning Commission if they had any more questions for the Township  
6 Attorney. There were no questions at this time. Cuthbert then asked the applicant if they had any  
7 questions for the Planning Commission. Gerville-Reache did mention that he had a couple of questions  
8 for the Planning Commissioners. He did want to reiterate that there was an extensive presentation that  
9 was provided by the applicant in September and October that provided all the information that Attorney  
10 Fisher is requesting clarification on at this meeting. But, he does understand that there is a significant  
11 amount of material for the new Township Attorney to catch up on in a matter of only a few weeks, while  
12 the Planning Commission has been learning this over the last several months. He asked Fisher that,  
13 because of this information, he feels that all of this need for information was provided, and was  
14 wondering if Fisher had enough time to review all the material and if he felt that there was a need for  
15 more room for discussion. Fisher confirmed yes, he has reviewed all the material and does feel that  
16 there is a need for more discussion because he does not feel that the Planning Commission received an  
17 adequate explanation for the actual demand for the material proposed to be excavated. He believes that  
18 it is important for the applicant to provide a more in depth reasoning for the demand of the material  
19 from not only the national or state-wide levels, but also the regional southwest Michigan perspective,  
20 and also who will be receiving this material, will it be solely High Grade Materials or will they also be  
21 supplying to other parties.  
22

23 Gerville-Reache also wanted to comment for the purposes of clarification regarding the  
24 questioning of a temporary concrete and asphalt plant at the mine site. He noted that at previous  
25 meetings and the public hearing that was held in September, the applicant withdrew their thoughts of  
26 potentially, in the future, placing a temporary concrete or asphalt plant at this location as a future special  
27 land use request or rezoning. He wanted it to be clear that this has been withdrawn by the applicant  
28 from the application. Gerville-Reache implied to Fisher, with regard to the idea of developing a  
29 regulatory enforcement ordinance, that all *zoning* ordinances are enforceable, especially with special use  
30 conditions approved. Fisher agreed. Gerville-Reache inquired as to what a regulatory enforcement  
31 ordinance would add to the enforcement purposes that the Township Zoning Ordinance and the special  
32 use approval conditions cannot already accomplish. Fisher responded by stating that he feels the  
33 Township Zoning Ordinance would not support the conditions that the Township would apply, and that  
34 he suggests that would be fashioned for this application. Gerville-Reache responded to this by restating  
35 that any violation of a special use permit conditional approval is a violation of zoning itself and is fully  
36 enforceable. Fisher agreed, but stated that the only remedy for a zoning violation is to take the violation  
37 to circuit court, and a regulatory ordinance would be able to provide other remedy options before the  
38 need for taking the violation to court. Gerville-Reache suggested that if the Township Zoning Ordinance  
39 is lacking an effective enforcement process, then maybe it would be appropriate to have the Township  
40 amend its zoning ordinance to provide for the enforcement process that Fisher is referring to. Gerville-  
41 Reache thanked the Planning Commission and stated that he had no further questions.  
42



1 Tokar then requested if he may ask one comment. He has a concern that because the Township  
2 is now asking to bring in additional experts to review information and perform new studies on items  
3 such as groundwater, stormwater, etc. that was presented initially in the application packet, and the  
4 applicant respectfully performed additional studies and resubmitted items over several months as the  
5 Township brought these concerns up and requested more information from the applicant, which they  
6 agreed to and provided. He is concerned that the Township is again asking for more information and now  
7 potentially hiring more consultants to redo the same studies that have been conducted multiple times,  
8 the information appears, at this point, to be a little redundant in the amount of information that is being  
9 requested from the applicant because they have obliged and provided all the required information,  
10 additional information, and multiple repeat studies of the provided materials, as the Township has  
11 requested. It seems that the Commission is just continually requesting the same information, and it is  
12 becoming very time-consuming and redundant. He does understand the Township has the right to  
13 request more expert opinion. But he respectfully, wants to make sure that the process continuously  
14 moves along because the applicant has been involved in this process in Volinia Township for several  
15 years and it just appears that over the last few months that the request for more studies and more  
16 information and clarification is becoming repetitive, and new studies are confirming what the initial  
17 studies concluded. Cuthbert thanked the applicant team and Mr. Tokar and opened the public comment  
18 period for those that have shown up to listen. Several members from the audience expressed their  
19 concerns.

20  
21 **Meeting Scheduling –**

22  
23 The Planning Commission agreed that the next meeting to discuss this application would be Tuesday,  
24 May 13, 2025, at 6 PM at the Road Commission offices.

25  
26 The Planning Commission also set a date to review the proposed Cass County Master Plan on February 4,  
27 2025, at Volinia Township Hall.

28  
29 **Adjournment –**

30  
31 Butchbaker motioned to adjourn the meeting at 7:26 PM, seconded by Grice. The motion to  
32 adjourn passed.